

**UNITED STATES DISTRICT COURT**

for the

**Eastern District of Tennessee**

JOHN DOE, Plaintiff )  
v. ) Case No.: 4:09-cv-62  
THE UNIVERSITY OF THE SOUTH, Defendant. )

## **BILL OF COSTS**

Judgment having been entered in the above entitled action on 09/02/2011  
*Date* against The University of the South,  
the Clerk is requested to tax the following as costs:

Fees of the Clerk .....	\$	350.00 (Ex. A)
Fees for service of summons and subpoena .....		
Fees for printed or electronically recorded transcripts necessarily obtained for use in the case .....		10,209.13 (Ex. B)
Fees and disbursements for printing .....		
Fees for witnesses ( <i>itemize on page two</i> ) .....		492.50 (Ex. C)
Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case. ....		
Docket fees under 28 U.S.C. 1923 .....		
Costs as shown on Mandate of Court of Appeals .....		
Compensation of court-appointed experts .....		
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828 .....		
Other costs ( <i>please itemize</i> ) .....		
TOTAL	\$	11,051.63

**SPECIAL NOTE:** Attach to your bill an itemization and documentation for requested costs in all categories.

### **Declaration**

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:

## Electronic service

三

**First class mail, postage prepaid**

8

**Other:**

s/ Attorney:

Name of Attorney: Charles B. Wayne

For: John Doe  
*Name of Claiming Party* Date: 09/23/2011

## **Taxation of Costs**

Costs are taxed in the amount of \_\_\_\_\_ and included in the judgment.

By:

Clerk of Court

Deputy Clerk

Date

## UNITED STATES DISTRICT COURT

## Witness Fees (computation, cf. 28 U.S.C. 1821 for statutory fees)

NAME, CITY AND STATE OF RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
Eric Hartman Sewanee, TN	1	40.00			100	58.50	\$98.50
Elsie Marie Eldridge Sewanee, TN	1	40.00			100	58.50	\$98.50
Alexander M. Bruce Sewanee, TN	1	40.00			100	58.50	\$98.50
David L. Spaulding, Jr. Sewanee, TN	1	40.00			100	58.50	\$98.50
Joel Cunningham Sewanee, TN	1	40.00			100	58.50	\$98.50
							\$0.00
						<b>TOTAL</b>	<b>\$492.50</b>

## NOTICE

Costs will be taxed in accordance with this Court's Guidelines on Preparing Bills of Cost. E.D. TN. LR. 54.1

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

**RULE 54(d)(1)**

Costs Other than Attorneys' Fees.

Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney's fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 day's notice. On motion served within the next 7 days, the court may review the clerk's action.

**RULE 6**

(d) Additional Time After Certain Kinds of Service.

When a party may or must act within a specified time after service and service is made under Rule 5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

**RULE 58(e)**

Cost or Fee Awards:

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

# **EXHIBIT A**

**DLA Piper LLP (US)**

6225 SMITH AVENUE, BALTIMORE, MD 21209

CHECK NO.:

**829580**

INVOICE	DATE	AMOUNT	COMMENTS
125-8201	05-27-09	350.00	MARIANNE DUPREE

VENDOR ID: 191380

**DLA Piper LLP (US)**  
6225 SMITH AVENUE  
BALTIMORE, MD 21209-3800M&T Trust Co.  
25 S. CHARLES ST.  
BALTIMORE MD 21201CHECK NO. **829580**DATE **05/27/09**AMOUNT OF CHECK  
\*\*\*\*\*350.00**PAY THREE HUNDRED FIFTY AND 00/100 Dollars****PAY  
TO THE  
ORDER OF****CLERK, U.S. DISTRICT COURT FOR THE  
E.D. OF TENNESSEE**

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VOID AFTER 180 DAYS

# **EXHIBIT B**

## DEPOSITION TRANSCRIPT SUMMARY

<b>Invoice Date</b>	<b>Witnesses</b>	<b>Amount</b>
April 21, 2010	John Doe; Mary Doe; James Doe; Alexander Bruce; Marie Eldridge; Brian Wiley; John Shibata; Helen Bateman; David Spaulding	\$ 3,065.70
May 11, 2010	Mary Beth Bankson; Mark Preslar; Joel Cunningham; Eric Hartman	\$ 1,978.04
June 16, 2010	Brett Sokolow	\$ 1,185.05
July 8, 2011	Mark Peterson	\$ 158.75
July 15, 2010	Nicole Loyd	\$ 1,099.23
July 16, 2010	Eric Hartman (supplemental)	\$ 317.50
August 6, 2010	Donald Gehring	\$ 1,119.09
August 23, 2010	Donna Pierce; David Bridgers; Julie Rand Dorney; Brent Morgan	\$ 1,171.77
September 8, 2011	Julie Rand Dorney (for trial)	\$ 114.00

**Total \$10,209.13**

**Fouraker Reporting Service, Inc.**  
520 Graham Street  
Chattanooga, Tennessee 37405  
(423) 265-8385 Phone (423) 265-2469 Fax  
Tax ID: 62-1874842

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April 21, 2010

CHARLES B. WAYNE, ESQUIRE  
DLA PIPER US LLP  
500 EIGHTH STREET  
WASHINGTON, DC 20004

<b>Invoice Number</b>
<b>2357</b>

**Re:** Doe vs. The University of the South  
Depositions (April 5-9, 2010)  
Chattanooga, Tennessee

Description of Services		Pgs/Qty	Rate	Extension
Transcript copy	(John, Mary and James Doe)	480.00	2.00	960.00
O&I	(Bruce, Eldridge, Wiley, Shiba, Bateman and Spaulding)	425.00	3.85	1636.25
Depo Appearance	(April 7-9, 2010)	8.00	75.00	450.00
Postage		19.45	1.00	19.45
		<b>Invoice total:</b>		<b>\$3,085.70</b>

Payment due upon receipt. Thank you for your business.

**Fouraker Reporting Service, Inc.**

520 Graham Street

Chattanooga, Tennessee 37405

(423) 265-8385 Phone (423) 265-2469 Fax

Tax ID: 62-1874842

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May 11, 2010

CHARLES B. WAYNE, ESQUIRE  
DLA PIPER US LLP  
500 EIGHTH STREET  
WASHINGTON, DC 20004

**Invoice Number  
2369**

**Re:** Doe vs. University of the South  
Depositions (April 26-28, 2010)  
Sewanee, Tennessee

Description of Services		Pgs/Qty	Rate	Extension
O&1	(Mary Beth Bankson)	66.00	3.85	254.10
O&1	(Mark Preslar)	47.00	3.85	180.95
O&1	(Joel Cunningham)	82.00	3.85	315.70
O&1	(Eric Hartman)	199.00	3.85	766.15
Depo Appearance	(April 26-28, 2010)	6.00	75.00	450.00
Postage		1.00	11.14	11.14
<b>Invoice total:</b>				<b>\$1,978.04</b>

Payment due upon receipt. Thank you for your business.



Esquire Solutions - Washington DC  
2700 Centennial Tower  
101 Marietta Street  
Atlanta, GA 30303



Toll Free (800) 441-3376  
Fax (866) 590-3205

CHARLES WAYNE  
DLA PIPER - WASHINGTON, DC  
500 EIGHTH STREET, NW  
WASHINGTON, DC 20004

**Remit to:**

Esquire Deposition Solutions  
PO Box 934157  
Atlanta GA 31193-4157  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

**Invoice # EQ163349**

Invoice Date	06/16/2010
Terms	NET 45
Payment Due	07/31/2010
Date of Loss	
Name of Insured	
Adjustor	
Claim Number	

Assignment	Case	Assignment #	Shipped	Shipped Via
06/10/2010	DOE vs. THE UNIVERSITY OF THE SOUTH	145522	06/15/2010	UPS

Description	Price	Amount
Services Provided on 06/10/2010, BRETT SOKOLOW (WASHINGTON, DC)		
ONE COPY OF TRANSCRIPT/WORD INDEX (347 Pages)	\$ 3.15	\$ 1,093.05
EXHIBITS	\$ 41.25	\$ 41.25
LITIGATION SUPPORT DISK	\$ 20.00	\$ 20.00
CONDENSED TRANSCRIPT	\$ 15.00	\$ 15.00
		\$ 1,169.30
DELIVERY - OTHER		\$ 15.75
		\$ 15.75
	Tax:	\$ 0.00
	Paid:	\$ 1,185.05
<b>Amount Due On/Before 07/31/2010</b>		<b>\$ 0.00</b>
Amount Due After 07/31/2010		\$ 0.00

Tax Number: 22-3779684

Please detach and return this bottom portion with your payment  
or pay online at [www.esquireconnect.net](http://www.esquireconnect.net)



Invoice #: EQ163349

Payment Due: 07/31/2010

**Amount Due On/Before 07/31/2010 \$ 0.00**

Amount Due After 07/31/2010 \$ 0.00

**Remit to:**

Esquire Deposition Solutions  
PO Box 934157  
Atlanta GA 31193-4157  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

Thank you for your business!

059 0000163349 06162010 4 000000000 0 07312010 07312010 6 000000000 02



ESQUIRE  
an Alexander Gallo Company

CHARLES WAYNE  
DLA PIPER - WASHINGTON, DC  
500 EIGHTH STREET, NW  
WASHINGTON, DC 20004

**Fouraker Reporting Service, Inc.**

520 Graham Street

Chattanooga, Tennessee 37405

(423) 265-8385 Phone (423) 265-2469 Fax

Fouraker@comcast.net

Tax ID: 62-1874842

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July 8, 2010

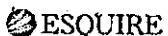
CHARLES B. WAYNE, ESQUIRE  
DLA PIPER US LLP  
500 EIGHTH STREET  
WASHINGTON, DC 20004

**Invoice Number**  
**2410**

**Re:** Doe vs. University of the South  
Deposition of Mark W. Peterson, M.D.  
July 5, 2010

Description of Services	Pgs/Qty	Rate	Extension
Transcript copy	77.00	2.00	154.00
Postage	4.75	1.00	4.75
	Total:		\$158.75
	Paid:		-158.75
	<b>Invoice total:</b>		<b>\$0.00</b>

Payment due upon receipt. Thank you for your business.



Esquire Solutions - Washington DC  
2700 Centennial Tower  
101 Marietta Street  
Atlanta, GA 30303

Toll Free (800) 441-3376  
Fax (866) 590-3205



# ESQUIRE

an Alexander Gallo Company

Remit to:

Esquire Deposition Solutions  
PO Box 1518  
New York NY 10008-1518  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

**Invoice # EQ172547**

Invoice Date	07/15/2010
Terms	NET 45
Payment Due	08/14/2010
Date of Loss	
Name of Insured	
Adjustor	
Claim Number	

Assignment	Case	Assignment #	Shipped	Shipped Via
07/01/2010	DOE vs. THE UNIVERSITY OF THE SOUTH	151107	07/06/2010	UPS

Description	Price	Amount
Services Provided on 07/01/2010, NICOLE LOYD (WASHINGTON, DC)		
ORIGINAL & ONE COPY OF TRANSCRIPT/WORD INDEX (112 Pages)	\$ 7.20	\$ 806.40
EXHIBITS	\$ 107.50	\$ 107.50
LITIGATION SUPPORT DISK	\$ 20.00	\$ 20.00
CONDENSED TRANSCRIPT	\$ 15.00	\$ 15.00
ARCHIVING FEE	\$ 30.00	\$ 30.00
		\$ 978.90
DELIVERY - OTHER		\$ 20.40
		\$ 20.40
RATES REFLECT DAILY DELIVERY		
	Tax:	\$ 0.00
	Paid:	\$ 0.00
<b>Amount Due After 08/29/2010</b>		<b>\$ 1,099.23</b>
<b>Amount Due On/Before 08/29/2010</b>		<b>\$ 999.30</b>

Tax Number: 22-3779684

Please detach and return this bottom portion with your payment  
or pay online at [www.esquireconnect.net](http://www.esquireconnect.net)



Invoice #: EQ172547

Payment Due: 08/14/2010

**Amount Due After 08/29/2010 \$ 1,099.23**

Amount Due On/Before 08/29/2010 \$ 999.30

Remit to:

Esquire Deposition Solutions  
PO Box 1518  
New York NY 10008-1518  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

Thank you for your business!

059 0000172547 07152010 5 000099930 7 08142010 08292010 0 000109923 35

**Fouraker Reporting Service, Inc.**  
520 Graham Street  
Chattanooga, Tennessee 37405  
(423) 265-8385 Phone (423) 265-2469 Fax  
[Fouraker@comcast.net](mailto:Fouraker@comcast.net)  
Tax ID: 62-1874842

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July 16, 2010

CHARLES B. WAYNE, ESQUIRE  
DLA PIPER US LLP  
500 EIGHTH STREET  
WASHINGTON, DC 20004

**Invoice Number**  
**2429**

**Re:** Doe vs. University of the South  
Supplemental Deposition of Eric Hartman  
July 13, 2010

**Description of Services**

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Expedited (2 day)

Depo Appearance

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**Invoice total:** **\$317.50**

Payment due upon receipt. Thank you for your business.



Esquire Solutions - Washington DC  
2700 Centennial Tower  
101 Marietta Street  
Atlanta, GA 30303



Toll Free (800) 441-3376  
Fax (866) 590-3205

Remit to:

Esquire Deposition Solutions  
PO Box 934157  
Atlanta GA 31193-4157  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

*Invoice # EQ179162*

Invoice Date	08/06/2010
Terms	NET 45
Payment Due	08/05/2010
Date of Loss	
Name of Insured	
Adjustor	
Claim Number	

Assignment	Case	Assignment #	Shipped	Shipped Via
07/29/2010	DOE vs. THE UNIVERSITY OF THE SOUTH	152718	08/03/2010	UPS

Description	Price	Amount
Services Provided on 07/29/2010, DONALD GEHRING (WASHINGTON, DC)		
ORIGINAL & ONE COPY OF TRANSCRIPT/WORD INDEX (139 Pages)	\$ 6.66	\$ 925.74
EXHIBITS	\$ 107.50	\$ 107.50
LITIGATION SUPPORT DISK	\$ 20.00	\$ 20.00
CONDENSED TRANSCRIPT	\$ 15.00	\$ 15.00
ARCHIVING FEE	\$ 30.00	\$ 30.00
		\$ 1,098.24
DELIVERY - OTHER		
	\$ 20.85	\$ 20.85
<b>PLEASE NOTE: THE ABOVE AMOUNT REFLECTS A 3-DAY EXPEDITED RATE.</b>		
	Tax:	\$ 0.00
	Paid:	\$ 0.00
<b>Amount Due On/Before 09/20/2010</b>		<b>\$ 1,119.09</b>
	<b>Amount Due After 09/20/2010</b>	<b>\$ 1,231.00</b>

Tax Number: 22-3779884

Please detach and return this bottom portion with your payment  
or pay online at [www.esquireconnect.net](http://www.esquireconnect.net)



Invoice #: EQ179162

Payment Due: 09/05/2010

**Amount Due On/Before 09/20/2010** \$ 1,119.09

**Amount Due After 09/20/2010** \$ 1,231.00

Remit to:

Esquire Deposition Solutions  
PO Box 934157  
Atlanta GA 31193-4157  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

Thank you for your business!

054 0000179162 08062010 4 000111909 8 09052010 09202010 9 000123100 45



CHARLES WAYNE  
DLA PIPER - WASHINGTON, DC  
500 EIGHTH STREET, NW  
WASHINGTON, DC 20004

**Fouraker Reporting Service, Inc.**  
520 Graham Street  
Chattanooga, Tennessee 37405  
(423) 265-8385 Phone (423) 265-2469 Fax  
[Fouraker@comcast.net](mailto:Fouraker@comcast.net)  
Tax ID: 62-1874842

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August 23, 2010

CHARLES B. WAYNE, ESQUIRE  
DLA PIPER US LLP  
500 EIGHTH STREET  
WASHINGTON, DC 20004

<b>Invoice Number</b>
<b>2453</b>

**Re:** Doe vs. UOS  
Depositions (August 2 and 10, 2010)

Description of Services		Pgs/Qty	Rate	Extension
Expedited (Overnight)	(Donna Pierce)	46.00	5.85	269.10
Transcript copy	(David Bridgers)	89.00	2.00	178.00
O&1	(Julie Dorney, M.D.)	44.00	3.85	169.40
O&1	(Brent Morgan, M.D.)	64.00	3.85	246.40
Depo Appearance	1/2 Aug. 2 and Aug. 10	4.00	75.00	300.00
Postage		8.87	1.00	8.87

**Invoice total:** **\$1,171.77**

Payment due upon receipt. Thank you for your business.

**Fouraker Reporting Service, Inc.**  
520 Graham Street  
Chattanooga, Tennessee 37405  
(423) 265-8385 Phone (423) 265-2469 Fax  
[Fouraker@comcast.net](mailto:Fouraker@comcast.net)  
Tax ID: 62-1874842

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September 8, 2011

CHARLES B. WAYNE, ESQUIRE  
DLA PIPER US LLP  
500 EIGHTH STREET  
WASHINGTON, DC 20004

**Invoice Number**  
**2698**

**Re:** Doe vs. University of the South  
Deposition of Julie Rand Dorney, M.D. (8/27/11)

Description of Services	Pgs/Qty	Rate	Extension
Transcript copy	57.00	2.00	114.00
<b>Invoice total:</b>			<b>\$114.00</b>

Payment due upon receipt. Thank you for your business.

# **EXHIBIT C**

**DLA Piper LLP (US)**

6225 SMITH AVENUE, BALTIMORE, MD 21209

CHECK NO.:

**948496**

INVOICE	DATE	AMOUNT	COMMENTS
373764-1	07-05-11	98.50	CHARLES WAYNE

VENDOR ID: 197833

**DLA Piper LLP (US)**  
6225 SMITH AVENUE  
BALTIMORE, MD 21209-3600M&T Trust Co. 7-11  
25 S. CHARLES ST. 520-8448  
BALTIMORE MD 21201CHECK NO. **948496**DATE **07/05/11**AMOUNT OF CHECK  
\*\*\*\*\*98.50

PAY NINETY-EIGHT AND 50/100 Dollars

PAY  
TO THE  
ORDER OF

ERIC HARTMAN

VOID AFTER 180 DAYS

**DLA Piper LLP (US)**

6225 SMITH AVENUE, BALTIMORE, MD 21208

CHECK NO.:

**948494**

INVOICE	DATE	AMOUNT	COMMENTS
373764-1	07-05-11	98.50	CHARLES WAYNE ELSIE MARIE ELDRIDGE

VENDOR ID: 197831

**DLA Piper LLP (US)**  
6225 SMITH AVENUE  
BALTIMORE, MD 21209-3800M&T Trust Co.  
25 S. CHARLES ST.  
BALTIMORE MD 212017-11  
520-6449**CHECK NO. 948494**

DATE 07/05/11

AMOUNT OF CHECK  
\*\*\*\*\*98.50

PAY NINETY-EIGHT AND 50/100 Dollars

PAY  
TO THE  
ORDER OF

ELsie Marie Eldridge

---

VOID AFTER 180 DAYS

**DLA Piper LLP (US)**

6225 SMITH AVENUE, BALTIMORE, MD 21209

CHECK NO.:

**948495**

INVOICE	DATE	AMOUNT	COMMENTS
373764-1	07-05-11	98.50	CHARLES WAYNE

VENDOR ID: 197832

**DLA Piper LLP (US)**  
6225 SMITH AVENUE  
BALTIMORE, MD 21209-3600M&T Trust Co.  
25 S. CHARLES ST.  
BALTIMORE MD 212017-11  
620-6449CHECK NO. **948495**DATE **07/05/11**AMOUNT OF CHECK  
\*\*\*\*\*98.50

PAY NINETY-EIGHT AND 50/100 Dollars

PAY  
TO THE  
ORDER OF**ALEXANDER M. BRUCE**

VOID AFTER 180 DAYS

**DLA Piper LLP (US)**

6225 SMITH AVENUE, BALTIMORE, MD 21209

CHECK NO.: **948497**

INVOICE	DATE	AMOUNT	COMMENTS
373764-1	07-05-11	98.50	CHARLES WAYNE

VENDOR ID: 197834

**DLA Piper LLP (US)**  
6225 SMITH AVENUE  
BALTIMORE, MD 21209-3600

MATTHEWS CO. 7-11  
25 S. CHARLES ST. 520-6443  
BALTIMORE MD 21201

CHECK NO. **948497**

DATE **07/05/11**

AMOUNT OF CHECK  
\*\*\*\*\*98.50

PAY NINETY-EIGHT AND 50/100 Dollars

PAY  
TO THE  
ORDER OF

DAVID L. SPAULDING, JR.

VOID AFTER 180 DAYS

**DLA Piper LLP (US)**

6225 SMITH AVENUE, BALTIMORE, MD 21209

CHECK NO.:

**953459**

INVOICE	DATE	AMOUNT	COMMENTS
WITNESS FEE	08-02-11	98.50	C. WAYNE

VENDOR ID: 198025

**DLA Piper LLP (US)**  
6225 SMITH AVENUE  
BALTIMORE, MD 21209-3600M&T Trust Co.  
25 S. CHARLES ST.  
BALTIMORE MD 212017-11  
520-6443**CHECK NO. 953459**

DATE 08/03/11

AMOUNT OF CHECK  
\*\*\*\*\*98.50

PAY NINETY-EIGHT AND 50/100 Dollars

PAY  
TO THE  
ORDER OF

JOEL CUNNINGHAM

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VOID AFTER 180 DAYS